

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEONTYNE GREEN,
Plaintiff,

v.

MCNEIL CONSUMER HEALTH CARE, et al.,
Defendants.

:
:
:
:
:
:
:
:
:

CIVIL NO. 08-5872

ORDER

AND NOW, this 9th day of September, 2010, upon consideration of Defendants' Motion for Summary Judgment [Doc. No. 22], Plaintiff's Response [Doc. No. 23], Defendants' Reply [Doc. No. 25], Plaintiff's Sur-Reply [Doc. No. 28], and oral argument held thereon [Doc. No. 32], and for the reasons stated in the attached Memorandum Opinion, it is hereby **ORDERED** that Defendants' Motion is **GRANTED** in part, **DENIED** in part, as follows:

1) Defendants' Motion on Plaintiff's sex discrimination claim is **GRANTED**. Count II of Plaintiff's Complaint [Doc. No. 1] is **DISMISSED** with prejudice; and

2) Defendants' Motion on Plaintiff's race discrimination and retaliation claims is **DENIED**. Counts I and III remain.

It is further **ORDERED** that within fourteen (14) days of the date of this Order, the parties, through counsel, shall file a joint report as to whether they believe a settlement conference before a magistrate judge, mediation under Local Civil Rule 53.3 and the Mediation Protocol Under Local Civil Rule 53.3, or some other form of Alternative Dispute Resolution (ADR) might be of assistance in resolving the case and, if so, on what form of ADR they agree and by what date they will be prepared to commence such proceedings. The parties **SHALL** include in the report dates in

November and December of 2010 on which the parties and counsel are available for trial.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.